

REMARKS

In response to the Office Communication mailed December 24, 2009, the Examiner has imposed a Restriction Requirement to one of the following species of invention under the provision of PCT Rule 13.1. The species are as follows:

- Group I, claims 1-6, drawn to a method for processing bioresponse signals;
- Group II, claims 7-11, drawn to a method of hatching eggs; and
- Group III, claims 12-15, drawn to a an apparatus for measuring temperatures of hatching eggs.

In response to the above Restriction Requirement, Assignee hereby elects the subject matter of Group III and Claims 12-15, which are readable thereon. Thus, Assignee has hereby withdrawn claims 1-11. Additionally, as Assignee has elected product claims, that are believed to be in condition for allowance, the withdrawn method claims are also hereby amended. The amendments to claims 1-11 are intended to clarify the claims and to conform the claim language to customary U.S. claiming practice.

Additionally, Assignee has hereby introduced new Claims 16-29. The subject matter of new Claims 16-25, while dependent on Claim 15, were derived from the recitations included in Claims 2-11. Also, support for the further new claims can be found as follows:

- New Claim 26: see original disclosure at page 11, lines 18-23;
- New Claim 27: see original disclosure at page 12, lines 20-22;
- New Claim 28: see original disclosure at page 11, lines 10-11; and
- New Claim 29: see original disclosure at page 13, lines 10-12.

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Accordingly, no new matter is introduced by the amendments. Further, as these new claims depend from Claim 12, directly or indirectly, it is submitted new Claims 16-29 read on Group III identified by the Examiner and are thus further elected by Assignee.

Assignee respectfully requests that should the subject matter of Claim 12-29 be finally held to be allowable, that the prosecution of Claims 1-11 be further considered at that time. Otherwise, Assignee reserves the right to prosecute any and all of the withdrawn claims in one or more divisional applications.

Accordingly, the Application is believed to be in condition for further examination on the merits. Such examination and favorable consideration are respectfully requested. Any questions regarding this matter should be directed to the undersigned.

Respectfully submitted,

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